THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.457 of 2006

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Dated:06.01.2006

Between:

Md. Sharief, S/o. Abdulla Sahib,
R/o. D.o. 5/317-2, Behind Ramuni Temple, Ravindra Nagar, Kadapa

City & District.

..... PETITIONER

AND

The Municipal Corporation of Kadapa, Rep. by its Commissioner,

Kadapa, Kadapa District, and others.

.....RESPONDENTS

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WRIT PETITION No.457 of 2006

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ORDER:

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The petitioner is a resident of Kadapa Town. He is the owner of the commercial building bearing Door Nos.1/53 to 1/56, Railway Station Road, Kadapa City & District. It appears that Kadapa Municipal Council passed a resolution on 14.10.2005 proposing to widen the road from Head Post Office Junction to I Town Police Station through Railway Station to Collector's Bungalow from 60' to 80'. The petitioner alleges that the officials of the first respondent came to the petitioner's property and marked a portion for demolition for the purpose of widening the road. Therefore, placing reliance on the judgment of this Court in **P.Lakshmana Rao v. Executive Officer, Gram Panchayat** the present writ petition is filed seeking a direction to the respondents not to demolish the petitioner's shops.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioner's premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the writ petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioner is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporations Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

06.01.2006

vs